

**Meeting of the Central Valley Flood Protection Board
June 20, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18211 to place 2-inches of aggregate on existing dirt road on waterside slope, place fill and construct a pedestrian trail on landside slope and plant native trees and shrubs on landside slope of the right (north) bank levee of Mosher Creek in San Joaquin County.

Applicant

City of Stockton

Location

The project is located in the City of Stockton, San Joaquin County, west of Highway 99 and south of Eight Mile Road (see Attachment B).

Description:

To place 2-inches of aggregate on existing dirt road on waterside slope, place approximately 120 cubic yards of fill and construct a 4-foot wide, 480-foot-long, aggregate pedestrian trail on landside slope, and plant native trees and shrubs on landside slope of the right (north) bank levee of Mosher Creek.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers has endorsed this application (Exhibit A).
- San Joaquin County Flood Control and Water Conservation District has endorsed this application (Exhibit B).

CEQA Compliance:

Board staff, as a Responsible Agency, has reviewed the Mitigated Negative Declaration for the San Joaquin Area Flood Control Agency Storm Water Detention Basin Soccer Complex Project (SCN 2006012110) prepared for the lead agency, the City of Stockton,

January 19, 2006. The Environmental Review Committee found the CEQA analysis and documentation to be satisfactory. In their Mitigated Negative Declaration the City of Stockton found that although the proposed project could have a significant effect on the environment, there will be no significant effects in this case because the City has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to reduce the level of significance to less than significant after mitigation. These mitigation measures are described in the Initial Study / Mitigated Negative Declaration and address impacts to air quality, biological resources, cultural resources, hydrology and water quality, and noise.

Board staff concurs with the City's findings.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board adopt the CEQA findings and approve the permit.

List of Attachments

- A. Draft Permit
- B. Location map and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18211 BD

This Permit is issued to:

City of Stockton
6 East Lindsay Street
Stockton, California 95202

To place 2-inches of aggregate on existing dirt road on waterside slope, place approximately 120 cubic yards of fill and construct a 4-foot-wide, 480-foot-long, aggregate pedestrian trail on landside slope; and plant native trees and shrubs on landside slope of the right (north) bank levee of Mosher Creek. The project is located in Stockton, west of Highway 99 and south of Eight Mile Road (Section 1, T2N, R6E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Mosher Creek, San Joaquin County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18211 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior written approval of the Central Valley Flood Protection Board.

FOURTEEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and San Joaquin County Flood Control & Water Conservation District shall not be held liable for damage(s) to the herein permitted project resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

FIFTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted project(s) and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and San Joaquin County Flood Control & Water Conservation District from any liability or claim(s) of liability associated therewith.

SIXTEEN: The permittee shall be responsible for repair of any damage(s) to the Mosher Slough flood control works due to construction, operation and/or maintenance of the herein permitted project(s).

SEVENTEEN: The permittee shall comply with all conditions set forth in the letter from San Joaquin County Flood Control & Water Conservation District dated July 9th, 2007, which is attached to this permit as Exhibit A and with all conditions set forth in the letter from the Department of the Army dated April 8th, 2008, which is attached to this permit as Exhibit B, both attachments being

incorporated by reference.

EIGHTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

NINETEEN: Stockpiled material and/or equipment shall not remain within/upon the flood control works during the flood season from November 1st to April 15th.

TWENTY: All cleared trees and brush shall be completely burned or removed from the flood control works, and downed trees or brush shall not remain within/upon the flood control works during the flood season from November 1st to April 15th.

TWENTY-ONE: No excavation shall be made or remain in the levee section during the flood season from November 1st to April 15th.

TWENTY-TWO: Fill material shall be placed only within the area indicated on the approved plans.

TWENTY-THREE: Prior to placement of fill against the levee slope and within 10 feet of the levee toe, all surface vegetation shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

TWENTY-FOUR: All fill material shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-FIVE: Fill on the levee slope shall be keyed into the existing levee section with each lift.

TWENTY-SIX: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill.

TWENTY-SEVEN: The fill surface area shall be graded to direct drainage away from the toe of the levee.

TWENTY-EIGHT: Trees and/or shrubs shall not be planted within 15 feet of the landward levee shoulder.

TWENTY-NINE: Spacing between trunks of trees and/or shrubs on the levee slope shall be no closer than 30 feet.

THIRTY: All trees shall be trimmed and maintained to provide 5 feet of vertical clearance above the levee slope.

THIRTY-ONE: Shrubs on the landward levee slope shall be no greater than 6 feet in diameter.

THIRTY-TWO: Shrubs shall be trimmed and maintained to allow maximum visibility of the levee

slope.

THIRTY-THREE: All debris generated by this project shall be disposed of outside the flood control works.

THIRTY-FOUR: The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted project if removal or alteration is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove or modify the herein permitted project at the permittee's expense.

THIRTY-FIVE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-SIX: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

APR 02 2008

Flood Protection and Navigation Section (18211)

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Ave., Rm. LL40
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed an application for a permit by the City of Stockton (Application Number 18211). These plans include placing 2-inches of aggregate on an existing dirt road on the waterside slope, placing approximately 120 cubic yards of fill and constructing a 4-foot wide, 480-foot long, aggregate pedestrian trail on the landside slope, and planting native trees and shrubs on the landside slope of the right (north) bank levee of Mosher Creek. The project is located in Stockton, west of Highway 99 and south of Eight Mile Road, at 38.0430°N 121.2616°W NAD83, San Joaquin County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

A Section 10 and/or Section 404 permit may be required. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250.

If you have any questions concerning our comments on this permit application, please contact Ms. Paige Caldwell at (916) 557-6903 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,

Meegan G. Nagy, P.E.
Chief, Flood Protection and Navigation Section

Copy Furnished:

Mr. Jeremy Arrich, Chief, Flood Project Integrity and Inspection Branch,
3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
TELEPHONE (209) 468-3000
FAX NO. (209) 468-2999

THOMAS R. FLINN
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

July 9, 2007

The Reclamation Board
3310 El Camino Avenue
Sacramento, California 95821

Attention: Mr. Mark Harold, Chief
Floodway Protection Section

SUBJECT: RECLAMATION BOARD PERMIT APPLICATION NO. 18211

Gentlemen:

Reference is made to the State Reclamation Board Permit Application No. 18211 of Callander Associates to develop eight soccer fields, concession stand, maintenance building, picnic area, night lighting, nature trail, and parking lots within the detention basin north of Mosher Slough and west of State Highway Route 99. Approximately 120 cubic yards of fill and road base will be placed and compacted for access way and trail between Mosher Slough and the detention basin. Fill material will be obtained from the north end of the basin. The bottom of the basin will be graded to drain from east to west.

The project is located in the City of Stockton, along the north side of Mosher Slough, west of State Highway Route 99 West Frontage Road, in San Joaquin County, in Section 1, Township 2 North, Range 6 East, Mount Diablo Base and Meridian. The parcel is identified as Assessor's Parcel No. 122-020-09.

The San Joaquin County Flood Control and Water Conservation District (District) has reviewed the Reclamation Board Permit Application No. 18211 of Callander Associates and endorses the project subject to the following conditions:

1. The Permittee shall be responsible for any damage to Mosher Slough and its levees that may occur as a result of the project.
2. The District shall not be responsible for any damage to the facilities due to the District's operation and maintenance of Mosher Slough.
3. The District shall not be responsible for maintenance of any facilities related to this project.
4. The Permittee shall be responsible for the modification, maintenance, or possible removal of any of the facilities, as requested by the District, if required for any future flood control plans at the applicant's sole cost and expense.
5. The Permittee shall construct a fence on the south end of the detention pond from the State Highway Route 99 frontage road to the County access gate southwest of the detention pond. The fence will restrict access to Mosher Slough by visitors to the new facilities. Fence material

The Reclamation Board
RECLAMATION BOARD
PERMIT APPLICATION NO. 18211

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shall be nine gauge, two-inch mesh, galvanized chain link. The fence shall be a minimum of eight-feet high. Two 24-foot-wide gates are required for maintenance access, located near each end of the fence line. The placement of the fence shall allow District maintenance activities of Mosher Slough to be conducted. Contact the Flood Management Division, at (209) 468-3060, for approval of the fence location before placement of the fence.

6. No trees or vegetation that have not been pre-approved shall be planted from the waterside hinge of the crown of the levee of Mosher Slough for a distance of 40 feet to the north.
7. No construction of any kind shall be allowed on Mosher Slough between November 1st and April 15th without the permission of the State Reclamation Board and the District.

If there are any questions regarding these conditions, please contact me at (209) 953-7617.

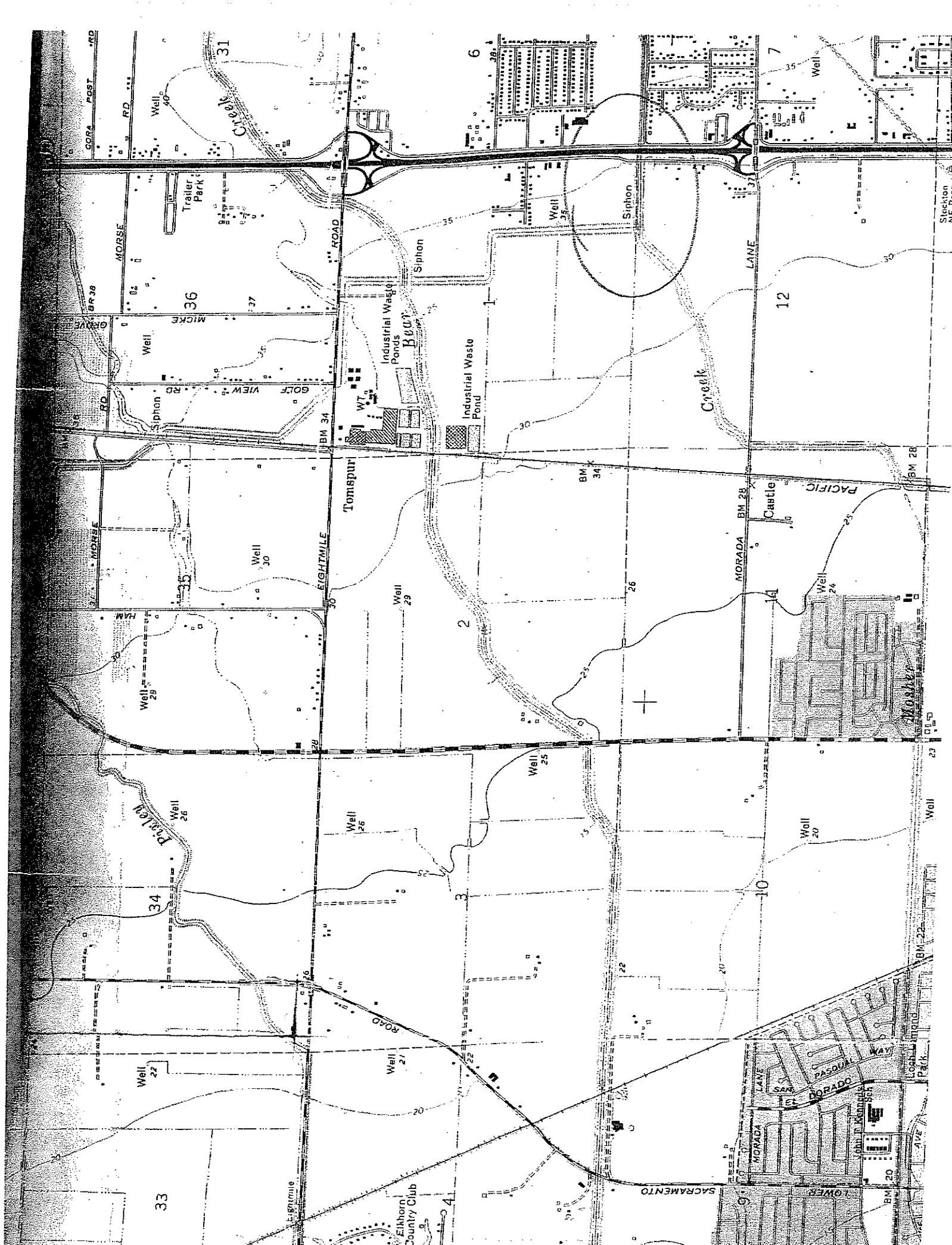
Sincerely,

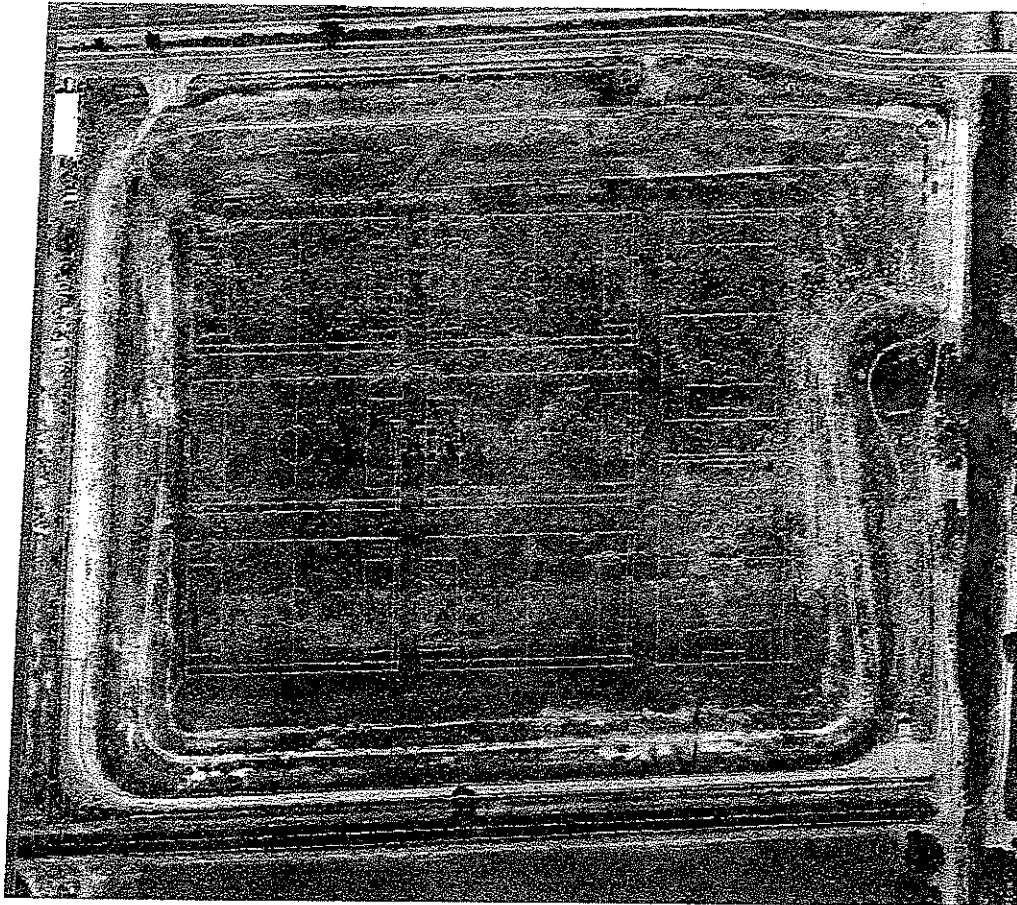


ROGER CHURCHWELL
Senior Civil Engineer

RC:JC:to
FM-7F159-T1

c: Larry Waddle, Channel Maintenance Superintendent





AERIAL PHOTO OF PROJECT SITE (SJAFCA BASIN #1)
W/ BASIC PROJECT OVERLAY

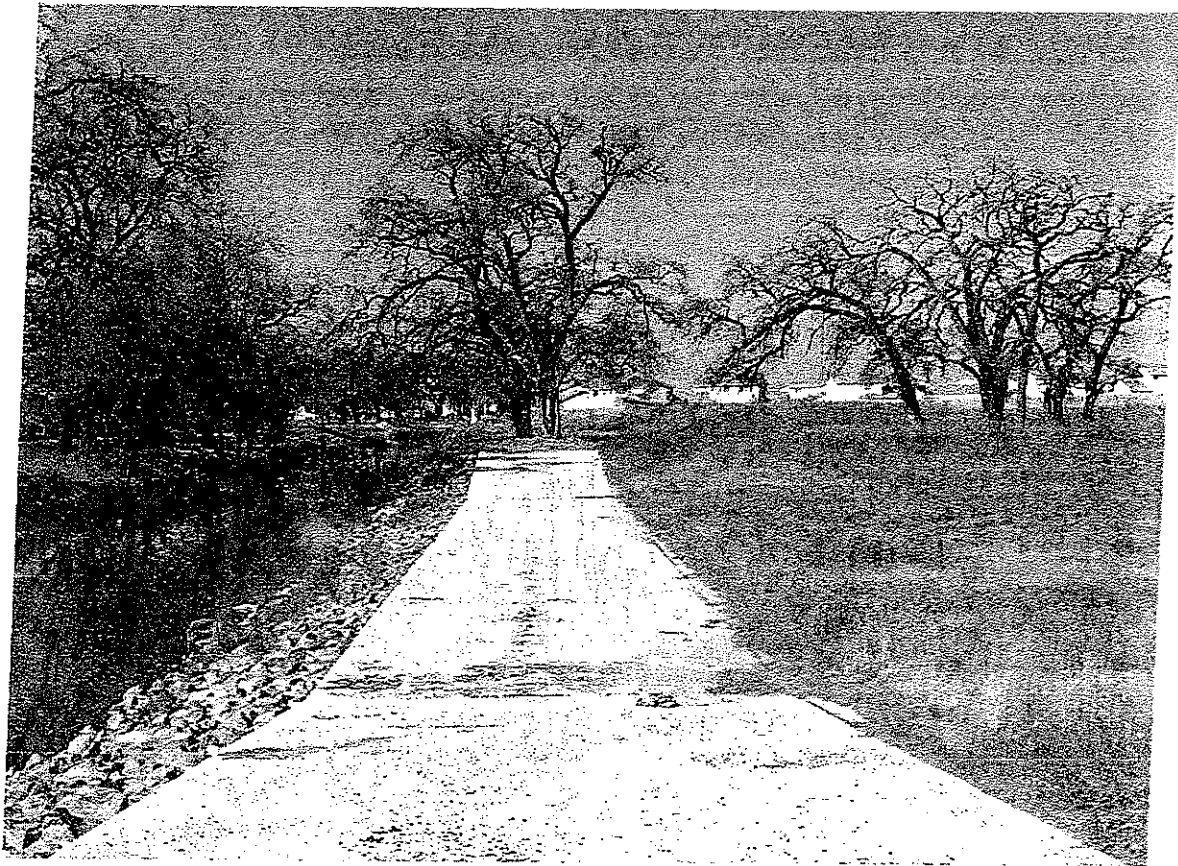


PHOTO OF SPILLWAY LOOKING WEST ALONG LEVEE ROAD